

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**TITLE 8: Chapter 4, Subchapter 7, Article 7,
New Section 3324 of the General Industry Safety Orders**

Horizontal Sliding Gates**SUMMARY**

This rulemaking action is initiated as a result of a Division of Occupational Safety and Health (Division) memorandum dated November 10, 2004, with attached Request For New or Change In Existing Safety Order (Form 9). The Division has investigated a number of accidents, including fatalities, involving horizontal sliding gates that have fallen on employees. Typically these gates are made of metal and have openings that span 10 to 40 feet into parking lots or other fenced/secured areas. These gates are very heavy and can weigh over 1000 pounds according to accident investigations.

The majority of accidents have occurred when a worker manually slides the gate into the fully open or closed position beyond its upper support or designed stop point leaving the gate's bottom wheels or track as the only support. Without vertical support, the gate is unstable and falls onto the employee.

The door and gate industry has participated in the development of several national consensus standards that address construction and installation requirements limited in scope to automated gates such as the American Society of Testing Materials (ASTM) Standard F 2200-02 "Standard Specification for Automated Gate Construction." The majority of serious accidents resulting from gates falling onto employees are associated with manually operated gates. The proposal applies to all horizontal sliding gates since automated gates have similar hazards when their automatic door operators are released allowing the gate to be open or closed manually. Although the proposal was developed without the assistance of an advisory committee, Board staff contacted representatives from the Division and from the door and gate industry who assisted staff in the review and development of the proposal.

This rulemaking action addresses requirements for positive stops that would limit the travel of horizontal sliding gates to the designed, fully open or closed position, and thus mitigate the hazard of a gate falling onto an employee and causing fatal or serious injury.

New Section 3324. Horizontal Sliding Gates.

Subsection (a)

Subsection (a) would require all horizontal sliding gates to be equipped with positive stops or devices that limit the gate travel to the designed, fully open and closed positions. This standard is necessary to ensure that horizontal gates are designed and equipped with positive stops or devices to limit travel of the gate so that it does not reach a point where it is not adequately supported and could fall or topple over onto an employee.

Subsection (b)

Subsection (b) would require that horizontal sliding gates have positive stops or devices that are constructed and installed to resist impact loads in order to safely contain sliding gate components within the designed stop limits. This standard is necessary to require that positive stops or devices are constructed and installed with the durability to safely contain gates within their stop limits.

Subsection (c)

Subsection (c) would require that horizontal sliding gates be inspected by a qualified person to ensure that gates are maintained in safe operating condition. This subsection is necessary to ensure that positive stops and devices are inspected and checked for signs of wear or deterioration that would compromise their ability to stop the travel of the gate at its designed limit.

Subsection (d)

Subsection (d) would require that employees responsible for operating or inspecting horizontal sliding gates be instructed in the safe operation of such gates. This provision is necessary to provide employees with instructions and awareness of the potential hazards associated with access and egress that require opening and closing large or heavy horizontal sliding gates.

Subsection (e)

Subsection (e) would require that repairs to gate hardware be performed by a qualified person. This provision is necessary to ensure that repairs are effective and that gate components such as positive stops and devices safely retain gates within designed open and close limits.

DOCUMENTS RELIED UPON

Memorandum dated November 10, 2004, from the Division of Occupational Safety and Health, and a Request For New or Change In Existing Safety Order (Form 9) with attached summaries of accidents and correspondence involving falling gates.

American Society for Testing and Materials (ASTM) Standard F 2200-02 "Standard Specification for Automated Vehicular Gate Construction."

Underwriters Laboratories Inc. (UL) Standard 325 Fifth Edition, dated June 7, 2002, “Standard for Door, Drapery, Louver, and Window Operators and Systems.”

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC
IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment. All businesses that own and use horizontal sliding gates would need to ensure that horizontal sliding gates are equipped with positive gate stops or devices and that they are maintained in effective operating condition. Gate stops/devices are already required by the manufacturers of such gates.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made a determination that this proposal will not result in a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, the standard does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All employers - state, local and private will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. Also, see the rationale under the heading on page 3, Specific Technology or Equipment.

ASSESSMENT

The adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.